

**Introduced by Senator Cedillo**

February 22, 2006

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An act to amend Section 11590 of the Health and Safety Code, relating to controlled substances.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1409, as introduced, Cedillo. Controlled substances: offender registration.

Existing law provides that any person who is convicted of specified controlled substance offenses shall, within 30 days of becoming a resident of a city, county, or city and county, register with the law enforcement agency of that city, county, or city and county. A knowing failure to register is a misdemeanor.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 11590 of the Health and Safety Code,  
2     as amended by Section 2 of Chapter 1417 of the Statutes of 1990,  
3     is amended to read:  
4     11590. (a) Except as provided in subdivisions (c) and (d),  
5     any person who is convicted in the State of California of any  
6     offense defined in Section 11350, 11351, 11351.5, 11352, 11353,  
7     11353.5, 11353.7, 11354, 11355, 11357, 11358, 11359, 11360,  
8     11361, 11363, 11366, 11366.5, 11366.6, 11368, 11378, 11378.5,  
9     11379, 11379.5, 11379.6, 11380, 11380.5, 11383, or 11550, or  
10    subdivision (a) of Section 11377, or any person who is

1 discharged or paroled from a penal institution where he or she  
2 was confined because of the commission of any such offense, or  
3 any person who is convicted in any other state of any offense  
4 which, if committed or attempted in this state, would have been  
5 punishable as one or more of the above-mentioned offenses, shall  
6 within 30 days of his or her coming into any county or city, or  
7 city and county in which he or she resides or is temporarily  
8 domiciled for that length of time, register with the chief of police  
9 of the city in which he or she resides or the sheriff of the county  
10 if he or she resides in an unincorporated area.

11 For persons convicted of an offense defined in Section 11377,  
12 11378, 11379, or 11380, this subdivision shall apply only to  
13 offenses involving controlled substances specified in paragraph  
14 (12) of subdivision (d) of Section 11054 and paragraph (2) of  
15 subdivision (d) of Section 11055, and to analogs of these  
16 substances, as defined in Section 11401. For persons convicted of  
17 an offense defined in Section 11379 or 11379.5, this subdivision  
18 shall not apply if the conviction was for transporting, offering to  
19 transport, or attempting to transport a controlled substance.

20 (b) Any person who is convicted in any federal court of any  
21 offense which, if committed or attempted in this state would have  
22 been punishable as one or more of the offenses enumerated in  
23 subdivision (a) shall within 30 days of his or her coming into any  
24 county or city, or city and county in which he or she resides or is  
25 temporarily domiciled for that length of time, register with the  
26 chief of police of the city in which he or she resides or the sheriff  
27 of the county if he or she resides in an unincorporated area.

28 (c) This section ~~does~~ *shall* not apply to a conviction of a  
29 misdemeanor under Section 11357, 11360, or 11377.

30 (d) The registration requirements imposed by this section for  
31 the conviction of offenses defined in Section 11353.7, 11366.5,  
32 11366.6, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6,  
33 11380, 11380.5, or 11383, shall apply to any person who  
34 commits any of those offenses on and after January 1, 1990.

35 SEC. 2. Section 11590 of the Health and Safety Code, as  
36 amended by Section 1 of Chapter 714 of the Statutes of 1995, is  
37 amended to read:

38 11590. (a) Except as provided in subdivisions (c) and (d),  
39 any person who is convicted in the State of California of any  
40 offense defined in Section 11350, 11351, 11351.5, 11352, 11353,

1 11353.5, 11353.7, 11354, 11355, 11357, 11358, 11359, 11360,  
2 11361, 11363, 11366, 11366.5, 11366.6, 11368, 11370.1, 11378,  
3 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11383, or  
4 11550, or subdivision (a) of Section 11377, or any person who is  
5 discharged or paroled from a penal institution where he or she  
6 was confined because of the commission of any such offense, or  
7 any person who is convicted in any other state of any offense  
8 which, if committed or attempted in this state, would have been  
9 punishable as one or more of the above-mentioned offenses, shall  
10 within 30 days of his or her coming into any county or city, or  
11 city and county in which he or she resides or is temporarily  
12 domiciled for that length of time, register with the chief of police  
13 of the city in which he or she resides or the sheriff of the county  
14 if he or she resides in an unincorporated area.

15 For persons convicted of an offense defined in Section 11377,  
16 11378, 11379, or 11380, this subdivision shall apply only to  
17 offenses involving controlled substances specified in paragraph  
18 (12) of subdivision (d) of Section 11054 and paragraph (2) of  
19 subdivision (d) of Section 11055, and to analogs of these  
20 substances, as defined in Section 11401. For persons convicted of  
21 an offense defined in Section 11379 or 11379.5, this subdivision  
22 shall not apply if the conviction was for transporting, offering to  
23 transport, or attempting to transport a controlled substance.

24 (b) Any person who is convicted in any federal court of any  
25 offense which, if committed or attempted in this state would have  
26 been punishable as one or more of the offenses enumerated in  
27 subdivision (a) shall, within 30 days of his or her coming into  
28 any county or city, or city and county, in which he or she resides  
29 or is temporarily domiciled for that length of time, register with  
30 the chief of police of the city in which he or she resides or the  
31 sheriff of the county if he or she resides in an unincorporated  
32 area.

33 (c) This section ~~does~~ *shall* not apply to a conviction of a  
34 misdemeanor under Section 11357, 11360, or 11377.

35 (d) The registration requirements imposed by this section for  
36 the conviction of offenses defined in Section 11353.7, 11366.5,  
37 11366.6, 11370.1, 11377, 11378, 11378.5, 11379, 11379.5,

- 1 11379.6, 11380, 11380.5, or 11383, shall apply to any person
- 2 who commits any of those offenses on and after January 1, 1990.

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